

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re REFCO INC. SECURITIES LITIGATION	:
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This Document Relates to:

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KENNETH M. KRYST and CHRISTOPHER STRIDE, as JOINT OFFICIAL LIQUIDATORS of SPHINX LTD., SPHINX STRATEGY FUND LTD.; SPHINX PLUS SPC LTD., SPHINX DISTRESSED LTD., SPHINX MERGER ARBITRAGE LTD.; SPHINX SPECIAL SITUATIONS LTD., SPHINX MACRO LTD.; SPHINX LONG/SHORT EQUITY LTD.; SPHINX MANAGED FUTURES LTD.; SPHINX EQUITY MARKET NEUTRAL LTD.; SPHINX CONVERTIBLE ARBITRAGE LTD.; SPHINX FIXED INCOME ARBITRAGE LTD.; SPHINX DISTRESSED FUND SPC; SPHINX MERGER ARBITRAGE FUND SPC; SPHINX SPECIAL SITUATIONS FUND SPC; SPHINX MACRO FUND SPC; SPHINX LONG/SHORT EQUITY FUND SPC; SPHINX MANAGED FUTURES FUND SPC; SPHINX EQUITY MARKET NEUTRAL FUND SPC; SPHINX CONVERTIBLE ARBITRAGE FUND SPC; SPHINX FIXED INCOME ARBITRAGE FUND SPC; PLUSFUNDS MANAGED ACCESS FUND SPC LTD.; KENNETH M. KRYST and CHRISTOPHER STRIDE as assignees of claims assigned by MIAMI CHILDREN'S HOSPITAL FOUNDATION, OFI, GREEN & SMITH INVESTMENT MANAGEMENT LLC, THALES FUND MANAGEMENT LLC, KELLNER DILEO & CO., LLC, MARTINGALE ASSET MANAGEMENT LP, LONGACRE FUND MANAGEMENT LLC, ARNHOLD & S. BLEICHROEDER ADVISERS LLC, PICTET & CIE, RGA AMERICA REINSURANCE COMPANY, DEUTSCHE BANK (SUISSE) SA, ARAB MONETARY FUND, HANSARD	:
	Case No. 08-cv-3065 (GEL)
	Case No. 08-cv-3086 (GEL)
	<b><u>AFFIDAVIT OF SERVICE</u></b>

INTERNATIONAL LTD., CONCORDIA	:
ADVISORS LLC, GABELLI SECURITIES, INC.,	:
CITCO GLOBAL CUSTODY; and JAMES	:
P. SINCLAIR as Trustee of the SPHINX TRUST,	:
 Plaintiffs,	:
 -against-	:
 CHRISTOPHER SUGRUE; MARK	:
KAVANAGH; BRIAN OWENS;	:
PRICEWATERHOUSECOOPERS L.L.P.; MARI	:
FERRIS; PRICEWATERHOUSECOOPERS	:
CAYMAN ISLANDS; GIBSON, DUNN &	:
CRUTCHER LLP; REFCO ALTERNATIVE	:
INVESTMENTS LLC; GRANT THORNTON	:
LLP; MARK RAMLER; ERNST & YOUNG U.S.	:
LLP; MAYER BROWN LLP f/k/a MAYER	:
BROWN ROWE & MAW LLP; JOSEPH	:
COLLINS; EDWARD S. BEST; PAUL KOURY;	:
PHILLIP R. BENNETT; ROBERT C. TROSTEN;	:
TONE GRANT; SANTO MAGGIO; THOMAS	:
HACKL; DENNIS KLEJNA; BAWAG P.S.K.	:
BANK FUR ARBEIT UND WIRTSCHAFT UND	:
OSTERREICHISCHE POSTPARKASSE	:
AKTIENGESELLSCHAFT; JP MORGAN	:
CHASE & CO.; CREDIT SUISSE SECURITIES	:
(USA) LLC f/k/a CREDIT SUISSE FIRST	:
BOSTON LLC; BANC OF AMERICA	:
SECURITIES LLC; THOMAS H. LEE	:
PARTNERS, L.P.; THOMAS H. LEE	:
ADVISORS, LLC; THL MANAGERS V, LLC;	:
THL EQUITY ADVISORS V, L.P.; THOMAS H.	:
LEE EQUITY FUND V, L.P.; THOMAS H. LEE	:
PARALLEL FUND V, L.P.; THOMAS H. LEE	:
EQUITY (CAYMAN) FUND V, L.P.; THOMAS	:
H. LEE INVESTORS LIMITED PARTNERSHIP;	:
1997 THOMAS H. LEE NOMINEE TRUST;	:
THOMAS H. LEE; DAVID V. HARKINS;	:
SCOTT L. JAECKEL; SCOTT A. SCHOPEN;	:
WILLIAM T. PIGOTT; LIBERTY CORNER	:
CAPITAL STRATEGIES, LLC; EMF	:
FINANCIAL PRODUCTS LLC; EMF CORE	:
FUND LTD.; DELTA FLYER FUND LLC; ERIC	:
M. FLANAGAN; INGRAM MICRO, INC.; CIM	:

VENTURES, INC.; BECKENHAM TRADING :  
CO., INC.; ANDREW KRIEGER; COAST :  
ASSET MANAGEMENT, LLC, f/k/a COAST :  
ASSET MANAGEMENT LP; CS LAND :  
MANAGEMENT LLC; CHRISTOPHER :  
PETTIT; and REFCO GROUP HOLDINGS, :  
INC.; and REFCO ASSOCIATES, INC., :  
Defendants. :  
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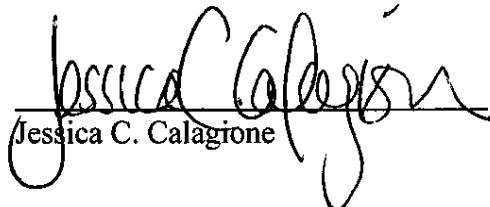
STATE OF NEW YORK )  
                      ) ss.:  
COUNTY OF NEW YORK )

Jessica C. Calagione, being duly sworn, deposes and says:

1. I am not a party to the above-captioned actions, am over 18 years of age and reside in New York, New York.
2. On the 19<sup>th</sup> of August, 2008, I caused to be served on defendant Christopher Sugrue by Federal Express and electronic mail true and accurate copies of the following documents (collectively, the “Documents for Service”): (i) the Summons and Complaint commencing this litigation in the Supreme Court of the State of New York, County of New York, on March 5, 2008; (ii) the Federal Summons issued in the above-captioned actions following the filing of Notices of Removal on March 26, 2008; (iii) an Order, entered by the Honorable Gerard E. Lynch on docket number 08-cv-3065 on August 18, 2008, directing service of process on Christopher Sugrue by international courier service and by electronic mail; and (iv) an Order, entered by the Honorable Gerard E. Lynch on docket number 08-cv-3086 on August 18, 2008, directing service of process on Christopher Sugrue by international courier service and by electronic mail (collectively, the “Documents for Service”).

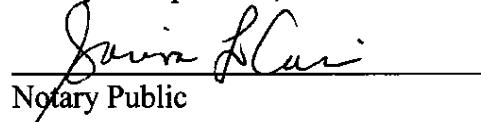
3. Attached hereto as Exhibit A is a true and accurate copy of the electronic mail message, to which the Documents for Service were attached, that was sent to Christopher Sugrue at his electronic mail address, chris.sugrue@yahoo.com.sg.

4. Attached hereto as Exhibit B is a true and accurate copy of the Federal Express tracking update showing delivery of the Documents for Service to Christopher Sugrue at Av. Amilar Cabral No 110-2, Ed. Sonongol Distribuidora, Luanda, Angola, on September 2, 2008.



Jessica C. Calagione

Sworn to before me this  
3<sup>rd</sup> day of September, 2008



Sarina Lo Cascio  
Notary Public

SARINA LO CASCIO  
Notary Public, State of New York  
No. 4973537  
Qualified in New York County  
Commission Expires October 22, 2014

# **EXHIBIT A**

**Calagione, Jessica C.**

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**From:** Calagione, Jessica C.  
**Sent:** Tuesday, August 19, 2008 1:14 PM  
**To:** 'chris.sugrue@yahoo.com.sg'  
**Cc:** 'Beus, Leo R.'; 'Dennis K. Blackhurst'; Dash, Andrew S.; Molton, David J.  
**Subject:** Krys, et al. v. Sugrue, et al., 08-cv-3065 and 08-cv-3086 (GEL) (S.D.N.Y.)  
**Attachments:** Cover letter, Sugrue.pdf; Sphinx Sugrue Substituted Service Order.pdf; Sphinx Sugrue Substituted Service Order II.pdf; Krys v. Sugrue Summons in a Civil Action.pdf; Krys v. Sugrue Summons and Complaint.pdf

Mr. Sugrue,

On behalf of Plaintiffs in the above-referenced litigation, I attach the following: (i) a cover letter; (ii) orders directing substituted service, entered and signed by the Honorable Gerard E. Lynch on August 18, 2008 on Docket Nos. 08-cv-3065 (S.D.N.Y.) and 08-cv-3086 (S.D.N.Y.); (iii) the federal summons issued in the above-referenced litigation; and (iv) the summons and complaint originally filed in New York State Supreme Court.

Jessica Calagione

 BROWNRUDNICK

**Jessica Calagione**

Brown Rudnick LLP  
Seven Times Square  
New York, NY 10036  
T: 212 209-4932  
F: 212 938-2880  
jcalagione@brownrudnick.com  
www.brownrudnick.com

# **EXHIBIT B**

**Calagione, Jessica C.**

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**From:** TrackingUpdates@fedex.com  
**Sent:** Tuesday, September 02, 2008 1:26 PM  
**To:** Calagione, Jessica C.  
**Subject:** FedEx Shipment 792741151790 Delivered

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This tracking update has been requested by:

Company Name: Brown Rudnick  
Name: Jessica Calagione  
E-mail: jcalagione@brownrudnick.com

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Our records indicate that the following shipment has been delivered:

Reference: 2766/000005.0254  
Ship (P/U) date: Aug 19, 2008  
Delivery date: Sep 2, 2008 11:01 AM  
Sign for by: J.GONCALVES  
Delivered to: Receptionist/Front Desk  
Service type: FedEx International Priority  
Packaging type: FedEx Pak  
Number of pieces: 1  
Weight: 3.20 lb.  
Special handling/Services: Deliver Weekday

Tracking number: 792741151790

Shipper Information	Recipient Information
JESSICA CALAGIONE	CHRISTOPHER SUGRUE
BROWN RUDNICK	AV. AMILAR CABRAL NO 110-2;ED.
7 TIMES SQUARE	SONONGOL DISTRIBUIDORA
NEW YORK	LUANDA
NY	AO
US	
10036	

Please do not respond to this message. This email was sent from an unattended mailbox. This report was generated at approximately 12:26 PM CDT on 09/02/2008.

To learn more about FedEx Express, please visit our website at [fedex.com](http://fedex.com).

All weights are estimated.

To track the latest status of your shipment, click on the tracking number above, or visit us at [fedex.com](http://fedex.com).

This tracking update has been sent to you by FedEx on the behalf of the Requestor noted above. FedEx does not validate the authenticity of the requestor and does not validate, guarantee or warrant the authenticity of the request, the requestor's message, or the accuracy of this tracking update. For tracking results and [fedex.com](http://fedex.com)'s terms of use, go to [fedex.com](http://fedex.com).